

REMARKS

The Office Action dated October 3, 2005 has been carefully considered. Claims 21-37 are pending in the application, with claim 21 being the only independent claim. Claims 22-37 have been amended. Reconsideration of the application, as amended herein and in view of the following remarks, is respectfully requested.

Claim 37 stands rejected under 35 U.S.C. §112, first and second paragraphs, because of the material represented by the term "biocore" therein is alleged not to be clear or readily apparent. The present application is a national stage of a PCT application that was filed in the German language. The term "biocore" is a literal translation of the German term "biokerne," which appears on page 4, second paragraph of the German language PCT application. "Biokerne" refers to a man-made porous biological filtration material which is known in the art. See the attached printout from Tara Teich & Garten's website. Claim 37 has been amended to replace the term "biocore" with "a man-made porous biological filtration material". In addition, the phrase "a man-made porous biological filtration material " has been added to paragraph [0018] of the specification. No new matter has been added. In view of the explanation and amendments, withdrawal of the rejection of claim 37 under §112, first and second paragraphs, is respectfully requested.

Claim 21 stands rejected under 35 U.S.C. §103(a) as unpatentable over GB 2 146 255 (GB '255) in view of U.S. Patent No. 3,833,123 (Walker). Applicant respectfully submits that claim 21 is patentable over the prior art of record because (1) there is no suggestion or motivation to modify or combine GB '255 with Walker in the way proposed in the Office Action; and (2) the combination of GB '255 and Walker fails to teach or suggest all of the limitations of claim 21.

GB '255 relates to a two-stage water filtration system for filtering relatively clean water from a pond, aquarium and the like. The two-stage water filtration system of GB '255 has a first foam-like filtration element (5, 15, 31), the main function of which is to provide mechanical filtration to trap debris in the water. A second foam-like filtration element (8, 19), positioned downstream of the first filtration element (5, 15, 31), provides biological filtration which is accomplished by micro-organisms that collect and grow in the second filtration element (8, 19). As such, a user can clean the first filtration element (5, 15, 31) as often as necessary without having to worrying about damaging the micro-organisms build-up in the second filtration element (8, 19). See page 2, lines 25-33, 59-66; page 3, line 123 to page 3, line 3; page 4, lines 9-11 of GB '255 and Figs. 1, 4 and 5. The first and second filtration elements are always fully submerged during operation. See page 3, lines 76-85.

As the Examiner acknowledged in the Office Action (page 3), GB '255 does not teach or suggest to position the first filtration element (5, 15, 31) in an inclined orientation. Moreover, in view of the explicit teaching to remove and wash the first filtration element in water (see page 3, lines 45-50) and the fact that the filtration system of GB '255 is relatively easily accessible because it is not intended to be placed on the bottom of a pond, GB '255 does not have any need to position the first filtration element in an inclined orientation to reduce the amount of debris collecting on the first filtration element and to move the debris to one end of the first filtration element. In contrast, the pond filter of the present invention is intended to be placed on the bottom of a pond so that it is not easily accessible, and the cleaning of the filtration element is an issue.

Walker, on the other hand, relates to an inclined screen filter for removing wood and other fibers from the aqueous effluent emanating from paper making machines. See col. 1, lines

5-9 of Walker. Walker does not relate to a submersible filter suitable for filtering water from a pond. Walker's screen filter (7) clearly is not submerged nor is it intended to be submerged. See col. 1, lines 14-24; Fig. 1. Walker states that when the screen filter is a fine mesh, the surface tension of the liquid causes the liquid to adhere to and flow downward along the underside of the mesh instead of falling through so that a large portion of the mesh does not function as a filter. See col. 1, lines 25-35. To solve the problem of the liquid adhering to the underside of the mesh, Walker uses a plurality of transverse blades (20) or downward hanging loops (19A) located on the underside of the screen filter (7) to guide the liquid away from the underside or inner surface of the screen filter. See col. 2, lines 20-25, col. 5, lines 16-19, col. 7, lines 1-5, Figs. 1 and 4.

A person of ordinary skill in the art would not be motivated by Walker to modify GB '255 in the way proposed in the Office Action because the problems to be solved by GB '255 and Walker are different. Additionally, as discussed earlier, GB '255 does not have any need to position the first filtration element in an inclined orientation.

Moreover, a person of ordinary skill in the art would not be motivated by Walker to modify GB '255 in the way proposed in the Office Action because GB '255 and Walker are in different technical fields. GB '255 relates to filtration of relatively clean water from a pond or aquarium by submerged filtration elements, while Walker relates to filtration of aqueous effluent emanating from paper making machines by a non-submerged screen filter. Relatively clean water from a pond or aquarium and aqueous effluent emanating from paper making machines have different viscosities.

The fact that something can be done is an insufficient basis to obviate a claimed invention. Absent a motivation, the references can be modified and/or combined in the way proposed in the Office Action only with impermissible hindsight based on the presently claimed invention.

In addition, since neither GB '255 nor Walker teaches or suggests a channel outlet as recited in claim 21, the combination of GB '255 and Walker fails to teach or suggest all of the limitations of claim 21.

In view of the foregoing, withdrawal of the §103(a) rejection of claim 21 is respectfully requested.

Dependent claims 22-37 are patentable for at least the same reasons that independent claim 21 is patentable, as well as for the additional limitations recited therein.

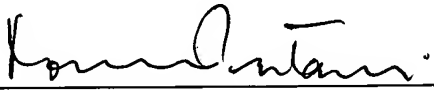
In particular, with respect to claim 24, contrary to the Examiner's interpretation, splash plate 7 of GB '255 does not qualify as a flow diverting device having a plurality of outlets because splash plate 7 does not have any outlets. In addition, neither GB '255 nor Walker teaches or suggests a plurality of flow diverting elements arranged adjacent to respective outlets. In contrast, claim 24 explicitly recites that a flow diverting device comprises a plurality of outlets proximate to an upper end of a flat filter screen, and a plurality of flow diverting elements arranged adjacent to respective outlets.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,

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Dated: February 3, 2006

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UVG-Geräte



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- Modulf.- Proficlear
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- Biotec 5.1/10.1
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- Filterset-BIOSys
- Filterset-GFK
- FiltoClear-Set

Zeolith und Substrat.

- 6.) Biokernen

Filtermedien

Teichpflege

Teichpflege (biobird)

Beleuchtung/Strom

Fontänenaufsätze

Teichbau/-Material

Fischfutter/-Automaten

Teichbelüftung

PVC-Fittings-Zubehör

Kälterungsdecken

Schläuche/Zubehör

Koi-Literatur/Poster

Teich-Dekoration

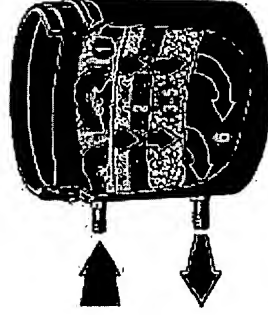
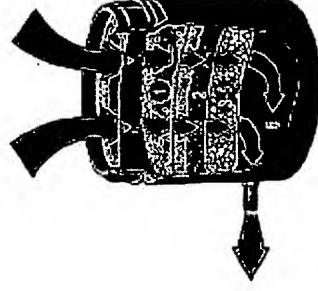
Granit-Elemente

Warengeschenke

Geschenkgutscheine

BioTop

- 1.) Filterschwamm
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- 3-5.) Netz mit Filtermedium bestehend aus Lava-Gestein, Zeolith und Substrat.
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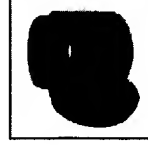


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Uferfilter-Sets

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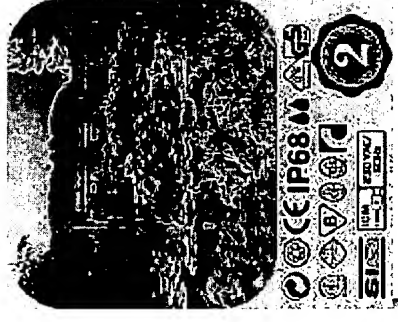
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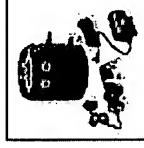
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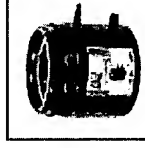
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